

BEFORE THE

**Federal Communications Commission**

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WASHINGTON, D.C. 20554

JUL 15 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Amendment of the Commission's )  
Rules Concerning Maritime )  
Communications )

PR Docket No. 92-257  
RM-7956  
RM-8031

REPLY COMMENTS OF MOBILE MARINE RADIO, INC.

Mobile Marine Radio, Inc. (hereinafter referred to as "MMR"), by its attorneys, respectfully submits this Reply to certain of the Comments filed in this proceeding.

MMR has carefully reviewed the Comments of the various parties filed in this proceeding. By and large, those Comments are consistent with and supportive of the positions advocated by MMR.

In its Comments, MMR supported standardization upon the DSC protocol. and utilization of that protocol as the basis

purposes. DSC, being mandated for safety purposes, is the logical system for call processing as well.

Several parties, notably SEA, Global and Ross, support allowing "private carriers" to provide service to third-parties on a for-profit basis. As discussed in MMR's initial Comments in this proceeding, unless the Commission deems its regulatory policies applicable to common carriers to be so onerous as to impose substantial costs upon common carriers, the mere classification of a service as "private" as contrasted with "common" carriage does not improve efficiency or service to the user community. To the

all join ITA/CICS in seeking access to nine (9) paired maritime channels for operations far removed from the major metropolitan areas where land mobile congestion exists.<sup>2/</sup> APCO, ignoring the limited number of channels, and further ignoring the usage limitations, seeks exclusivity on a portion of the channels vis-à-vis other land mobile users. Moreover, in contrast to CICS/ITA and UTC, APCO notes that land mobile use of the maritime channels "must be consistent with the rules eventually adopted in the Commission's 'spectrum refarming' proceeding (PR Docket 92-235)."<sup>3/</sup> APCO's recognition of the need for a comprehensive land mobile frequency utilization program, and its willingness to await any access to sharing of maritime frequencies, belies any need for expeditious access to sharing of maritime channels. Once the land mobile refarming has been determined, the issue necessarily arises as to the need for sharing of 9 maritime VHF frequency pairs and the relative benefit to the land mobile user population.

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<sup>2/</sup> As pointed out in MMR's initial Comments in this proceeding, of the twenty-one (21) major metropolitan areas

Particular note is made of the Comments of FCCA and CICS/ITA and AAR. FCCA, alone among the land mobile interests, recognizes the destructive interference potential from land mobile operations and proposes that any land mobile use be limited to non-interference status, i.e., secondary to the maritime usage of the band.<sup>4/</sup> CICS/ITA, the original proponent of sharing maritime channels, supports the Commission's proposal. In doing so, however, it ignores the fact that the Commission has misapplied the technical sharing criteria advanced by CICS.<sup>5/</sup> Apparently, the psychic or public relations benefit of securing access to maritime channels on a shared basis outweighs, from the CICS/ITA perspective, beneficial implementation of that spectrum on a mutually non-interfering basis. Finally, the AAR takes issue with the Commission's proposal to allow maritime interests to share the Appendix 18 channels allocated domestically to land mobile, and primarily railroad, use. It should be obvious that if maritime cannot use the Appendix 18 channels allocated domestically for

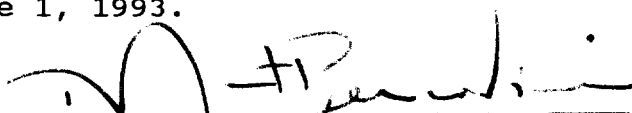
metropolitan areas such as Atlanta, Dallas, Denver and Phoenix.

Mere recitation by land mobile interests of the mantra of "a severe shortage of VHF land mobile frequencies"<sup>6/</sup> does not suffice to establish a need for land mobile sharing of the maritime common carrier band. APCO's own recognition of the import of the land mobile refarming docket, PR Docket No. 92-235, and APCO's recognition of the necessity of awaiting the outcome of that docket, totally refute any notion of urgent demand for sharing of maritime spectrum. Moreover, the total absence of any comparison of documented need with potential benefit in light of the necessary geographic restrictions, the failure to take into account the extent to which the 200 channels at 200-222 MHz recently allocated to the land mobile services and not yet implemented satisfy those demands which may exist, and the lack of accountability for land mobile spectrum refarming currently pending before the Commission clearly reveal the land mobile sharing proposal to be one of mere window-dressing for the proponent parties which bears the potential for causing substantial harm to the maritime user community.

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<sup>6/</sup> See e.g., APCO, Comments at p. 2.

**WHEREFORE, THE PREMISES CONSIDERED,** Mobile Marine Radio, Inc. respectfully urges the Federal Communications Commission to progress with finalization of the non-dominant carrier status proposal and implementation of further rulemaking in accordance with the Comments of MMR submitted to the Commission on June 1, 1993.

A handwritten signature in black ink, appearing to read "M. Bercovici", is written over a horizontal line.

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